



# 2003 Annual Report



State of Idaho  
Department of Environmental Quality



# Director's Message

Dear Reader,

The past year has been a time of financial difficulty for Idaho and DEQ. Difficult decisions were made on what services would and would not be provided. Because of changes made over the last three years, we were able to continue to provide the most critical services, while reducing or delaying others. During this time DEQ has become more efficient at providing these critical services, and has streamlined the way we conduct business.

Steps have been taken to make DEQ more efficient. A strategic planning process is used to set the agency priorities, giving DEQ clear vision of what specific actions are the most important for the protection of the environment and public health. A detailed time tracking system is in place to provide DEQ an understanding of where personnel are spending their time, which allows us to better track costs and more accurately budget funds. Our contract management system was revised to give us tighter control of contracts we administer. DEQ has reduced administrative costs, allowing more money to be spent on the environment, and less on bureaucracy. This has helped to offset the impacts of the reduction in general funds received by DEQ.

Despite the reduction in funding, and because of the steps taken to improve DEQ, we are making headway. Gains have been made in protecting our environment. Work at the Idaho National Engineering and Environmental Laboratory Pit 9 has begun, construction is underway, and removal of waste is just around the corner. The Coeur d'Alene Basin Environmental Improvement Project Commission is established and will oversee implementation of basin cleanup projects. DEQ's Air Permitting Program is on schedule for the issuance of protective air permits. Substantial pollution reductions have been realized in the Cascade Reservoir.

We are not finished. DEQ is finding ways to provide more services, while also finding ways to provide those services more efficiently. A clean and healthy environment is the right of all Idahoans.



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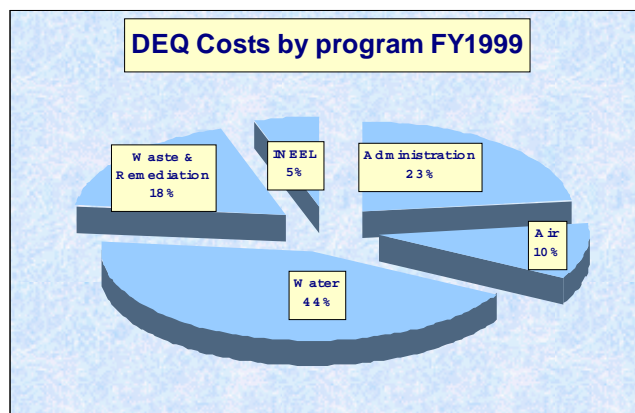
# Three Years of Progress

In DEQ's 2000 Annual Report the following five initiatives were set forth with a goal to improve use of resources and budget:

1. To restructure DEQ to improve the quality and use of technical resources and assure a sound scientific basis for decisions
2. To establish the personnel classification system to improve management and efficiency
3. To reduce indirect and administrative costs
4. To establish a management system to measure progress toward solving environmental problems and producing products
5. To improve customer services provided by DEQ

Initially, DEQ concentrated on restructuring our technical staff through the establishment of a Technical Services Division. This has led to better use of our scientific and engineering

## GRAPH 1

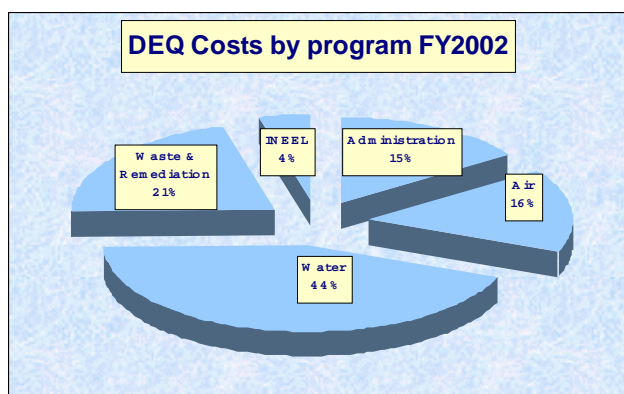


resources. The cross training of staff gives the Department a greater range of resources to accomplish our mission and improve the scientific quality of our work.

The number of classifications was reduced from 47 specialty classes to four job families. This has led to more efficiency and has increased flexibility to management and employees alike.

DEQ constantly monitors administrative expenses in order to reduce overhead costs. In FY 1999, 23% of the budget went towards administrative costs (**Graph 1**). Today those costs have been reduced to 15% or an 8% reduction (**Graph 2**). These changes were put in place to allow money to be spent on addressing environmental problems rather than maintaining bureaucracy.

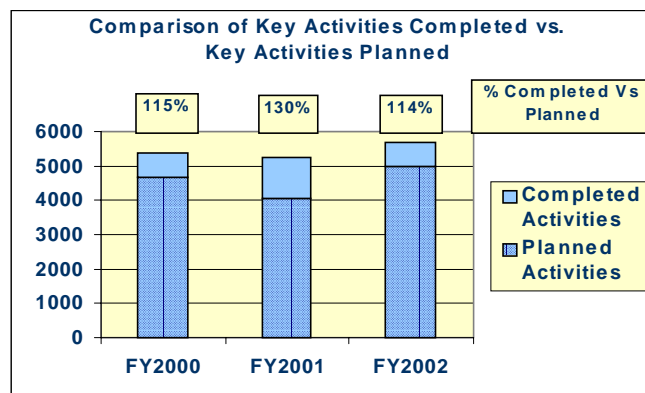
## GRAPH 2



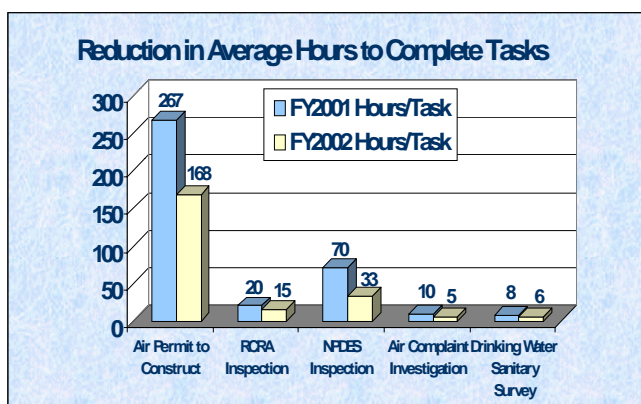


DEQ uses the strategic planning process to identify environmental issues, establish strategies to address these issues and set performance measures to track progress on the strategies. Additionally, the fiscal system and time accounting system have been revised to aid in evaluating the costs of the activities performed. Through this process, DEQ has been able to exceed the number of planned activities (**Graph 3**) and reduce the time required to complete certain tasks by approximately 50% (**Graph 4**).

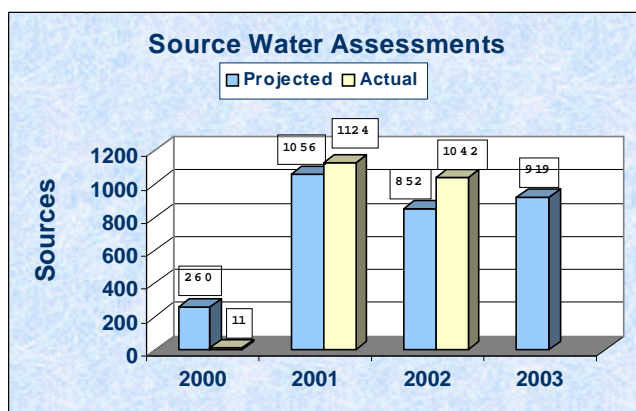
### GRAPH 3



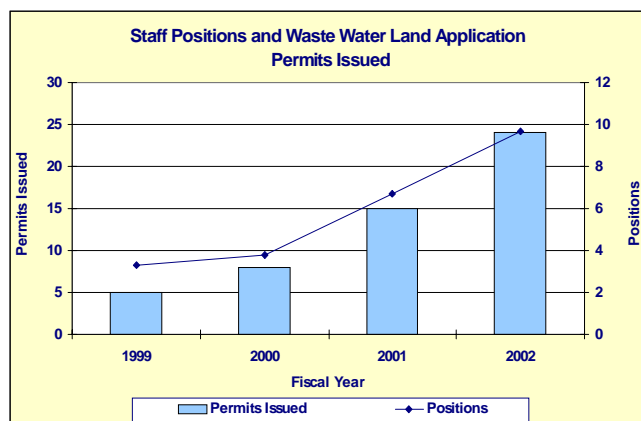
### GRAPH 4



### GRAPH 5



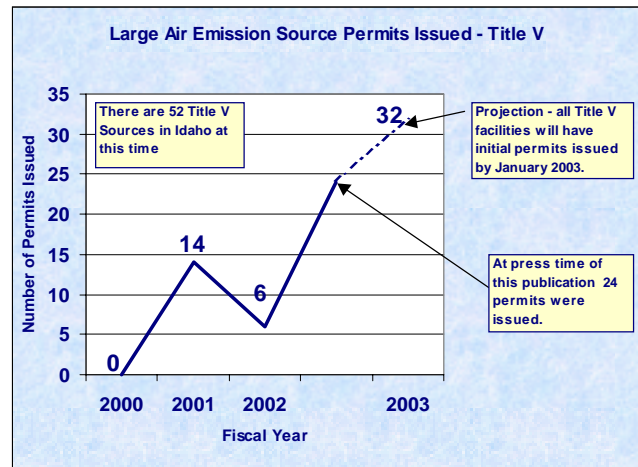
### GRAPH 6



By focusing on key activities, DEQ has been able to stay on schedule in the source water assessment program and increase the permitting output of wastewater land application permits and air quality construction and operating permits (**Graphs 5,6 and 7**).

Customer service continues to be a primary focus of the agency. Customer service cards are provided to parties with whom we interact, following review, positives are reinforced and problems are corrected. Monthly reports are submitted to the Director and each division. DEQ's internet site provides a means for customers to obtain information on activities and provide comment to the agency.

## GRAPH 7



## Source Water Assessments and Drinking Water Protection

Drinking water is a critical and limited resource that is susceptible to contamination from a spectrum of natural and human related sources. Source water assessments identify the portion of a watershed or ground water area where a public water system draws its drinking water and identify the potential contaminant sources and susceptibility of the drinking water to contamination. Communities use the assessments as a foundation for identifying and implementing drinking water protection activities. Currently, 77% of the source water assessments for public drinking water sources are complete, with the remainder scheduled for completion by May 2003.

Idaho has 2,086 public water systems that provide drinking water to homes, schools, businesses and industries. Many of these systems have more than one source of drinking water. DEQ has identified 2,990 ground water sources and 93 surface water sources of drinking water throughout the state.

The vulnerability of drinking water sources are influenced by several factors: whether the reservoir interval is composed of fractured basalt, sedimentary rock, alluvium, or other reservoir material (e.g. weathered granite or sedimentary rock), whether a protective barrier overlies the ground water source, whether the source is from surface or ground water and whether the source is in an urban, rangeland or agricultural environment.

Drinking water protection plans (DWPPs) build upon the completed source water assessments. DWPPs are voluntarily developed and implemented by individual public water systems. Long-term benefits of DWPPs include protecting drinking water supplies from contamination, protecting public health and lowering drinking water treatment costs. DEQ provides assistance to help communities develop and implement drinking water protection activities. Over 30 DWPPs have been developed as a result of this effort.

## 2002 TMDL Settlement Agreement

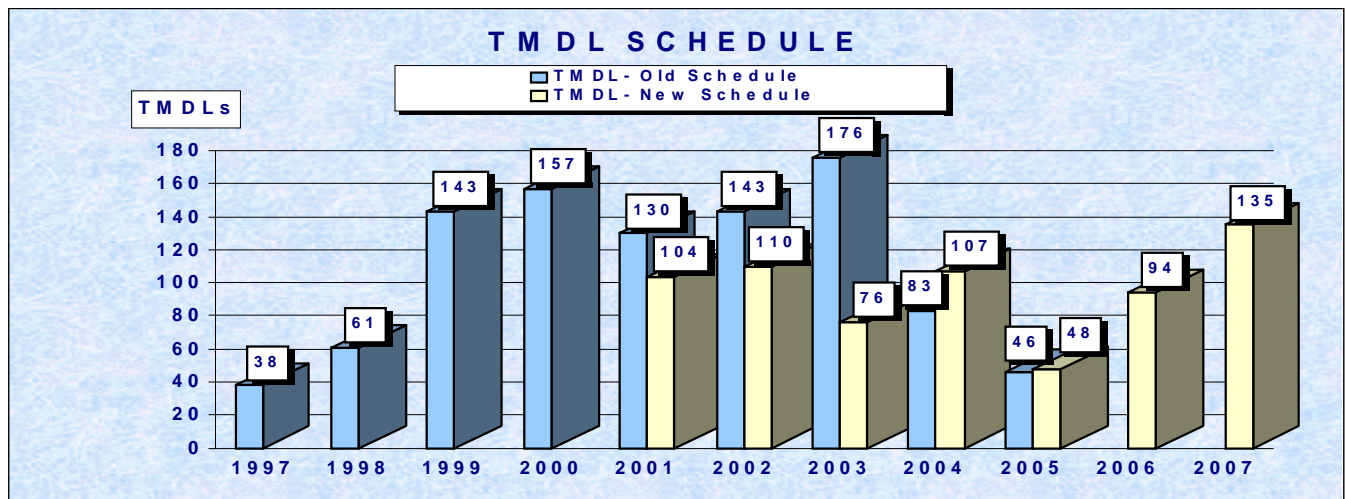
An agreement revising the schedule for the development of Total Maximum Daily Loads (TMDLs) for impaired water bodies was negotiated in response to a legal challenge alleging that the EPA and the state violated the Clean Water Act by failing to evaluate and establish TMDLs in a timely manner.

TMDLs are pollutant load allocations developed to control water pollution and assure state surface water quality standards are met.

The 2002 TMDL Settlement Agreement provides for the following:

- A revised schedule that extends to 2007,
- Identification of the streams to be assessed and, if necessary receive a pollution load allocation or TMDL,
- Use of an updated water body assessment guidance to ensure water quality standards are being met, and
- A process for removing waterbodies from the list of impaired waters if they meet water quality standards and designated beneficial uses.

### GRAPH 8



DEQ has successfully maintained the pace on TMDL development and through the settlement of the recent lawsuit will have additional time to complete the needed TMDLs.



## Pre-Settlement TMDL Development Summary

Idaho's "old" TMDL schedule slated high priority waterbodies for completion by the end of 1999. The remaining medium and low priority waterbodies were scheduled to be completed by the end of 2005. This strategy was based on a calendar year and TMDLs were to be submitted to the U.S. Environmental Protection Agency (EPA) by December 31 each year.

The schedule allowed larger or more complex subbasins to be split for practical reasons. Where such splits occurred, a portion could be completed earlier than the due date, but the entire subbasin had to be completed by the

date specified. It also allowed for future conditions that could delay analysis of a particular subbasin. The schedule could be and was adjusted with the requirement that overall schedule and pace of development was met and concerned parties were consulted.

To date, all TMDLs listed on the "old" schedule were addressed either by having a TMDL written or, if not necessary, proposed for delisting. Otherwise, changes to the schedule were made with consultations and postponed TMDLs were exchanged with those performed early, thereby preserving the necessary pace.

## Selenium in Southeast Idaho Phosphate Fields

DEQ continues its role as lead agency for the area wide investigation to evaluate impacts from releases of selenium and other contaminants from phosphate mining in Southeast Idaho. The focus of the past year has been regional risk characterization and the planning of site-specific investigations at individual mine sites.

Accomplishments of the past year include:

- Completed TMDL baseline surface water assessments for impacted watersheds.
- Completed sampling at regional orphan mine sites for subsequent risk screening evaluations.
- Published Draft Area Wide Human Health and Ecological Risk Assessment and Draft IDEQ Risk Management Technical Memorandum for formal public comment.
- Initiated site-specific investigation activities at four individual mines.
- Met all financial and schedule milestones required under the original Area Wide Investigation Scope of Work.

## Coeur d'Alene Basin

The Coeur d'Alene Basin Environmental Improvement Project Commission was established on April 12, 2002, to implement remediation of metals contamination in the Coeur d'Alene Basin. The Commission consists of three local Idaho county commissioners, the Director of DEQ, and a representative from each of the Coeur d'Alene Tribes, the federal government and the State of Washington. Created by state law enacted last year, the Commission will be responsible for adopting and implementing a basin workplan to carry out the EPA Record of Decision (ROD).

DEQ began a pilot Yard Enhancement Selection Program to improve property owner satisfaction with yard remediation and improve local contractor opportunities to compete for work. Clean-ups of residential yards are conducted to protect residents from exposure to high levels of metals found in soils in the yard.

## Bunker Hill Superfund Site

The State agreed to provide a match to EPA's expenditures to remediate approximately 100 residential yards in the Box to supplement work completed by the mining companies. The mining companies have had financial difficulties and have not been able to meet the 200 residential yard requirement of the consent decree. In SFY2002, 134 residential yards, 4 commercial properties, and 51 rights-of-way were remediated in the box.

A pilot bedload removal project was conducted in Pine Creek to test the viability of

removal and reuse of excavated materials. Removal of bedload results in metal load reduction from the river and reduced potential for future flooding and recontamination in Pinehurst.

In coordination with the Governor's office, local governments and utility districts, a Consolidated Infrastructure Plan for Bunker Hill was drafted. The purpose of the plan is to help communities plan for infrastructure projects that in some cases are required for remedial

In cooperation with the Panhandle Health District, DEQ estimates that in the past several years, approximately \$48 million has been contributed to the local economy from the resulting jobs and local supply purchases for the Bunker Hill (the Box) cleanup.

work or to protect remedial work. In the fall of 2001, the Central Impoundment Area (CIA), a 200 acre tailings pond at the Bunker Hill Superfund Site, was closed. The on-time closure of the CIA was the last major remedial project to be completed at the site. Other major projects including the industrial complex demolition and closure,

the Smelterville Flats tailings removal, and the Government and Magnet Gulches cleanups were completed from eight to thirty-two months ahead of schedule. By completing on or ahead of schedule DEQ was able to avoid inflation costs and maintain the original 10% match budget for Phase I work at Bunker Hill to under \$13 million.



These photographs show the results of the recontouring, capping and revegetation work at the Central Impoundment Area in “the Box.” The photograph on the left was taken in 1988, the photograph on the right, in 2002.

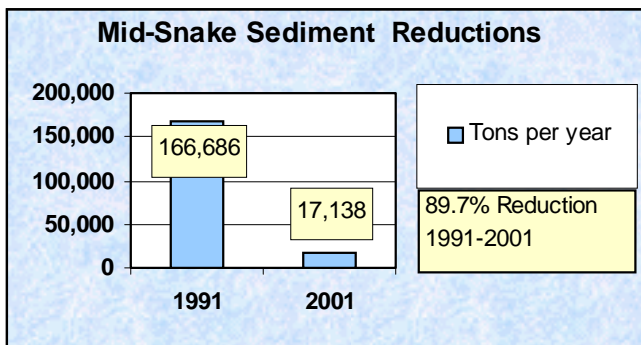
# Environmental Results

## Middle Snake River Update

The object and design of the Middle Snake River Watershed Management Plan is to restore the beneficial uses and water quality standards to the Middle Snake River and associated waterbodies within a 10-year period. 1991 and 2001 represent low flow conditions over a 10-year period.

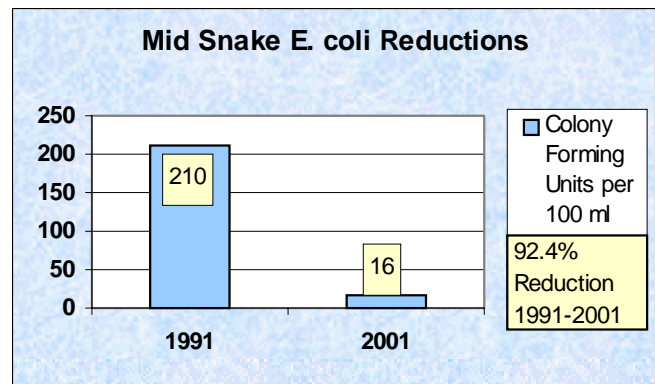
Critical pollutants-of-concern targeted by this management plan are sediment, phosphorus, and *Escherichia coli* or *E. coli*. The 1991 *E. coli* value is based on an estimate derived from fecal coliform analysis.

### GRAPH 10



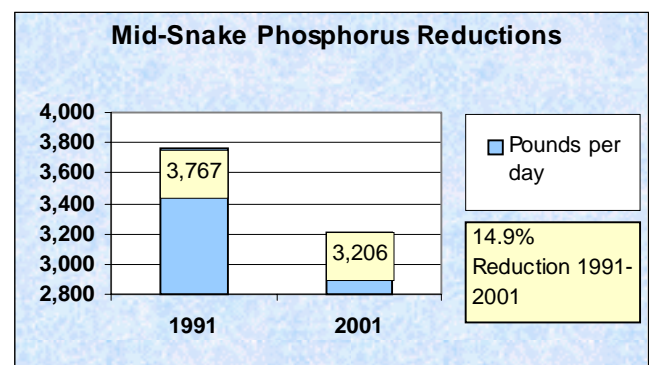
In addition to direct cleanup of the Middle Snake River, each water user industry has its own implementation plan to help enhance cleanup efforts of various waterbodies that discharge to the Middle Snake River. Much time, effort and money have been spent by the water user industries to help clean up the streams.

### GRAPH 9



The point and nonpoint source water user industries involved are aquaculture, hydropower generation, food processors, confined animal feeding operations, municipalities, irrigated agriculture, industrials, grazing, forestry and recreation.

### GRAPH 11



## Cascade Reservoir Summary

DEQ has worked with various groups to implement projects in the Cascade Reservoir area to reduce phosphorus and improve water quality. These projects have addressed point source as well as nonpoint sources of pollution.

### Point Source Implementation Projects

The J-Ditch Project eliminated discharge of approximately 3,900 kg of phosphorous each year to the North Fork Payette River.

### IDGF Fish Hatchery Improvements

IDFG Fish Hatchery operational improvements, including changing feeding practices and the addition of a settlement pond, resulted in a 70% reduction in the hatchery-related phosphorus load.

### Nonpoint Source Implementation Projects

Forestry Implementation Projects included treatment of 50 miles of roads.

Over 95% of grazing allotments on public forested lands are under grazing management plans.

### Agricultural Implementation

Streamside Lands in Boulder/Willow subwatershed are expected to be 85% treated using current resources.

Improved Irrigation Management and diversion structures are expected to yield water savings of 70%.

### Urban/Suburban Implementation

Stormwater management improvements have been completed in McCall, Cascade and Donnelly.

Drainage and surface improvements have been completed on county roads.

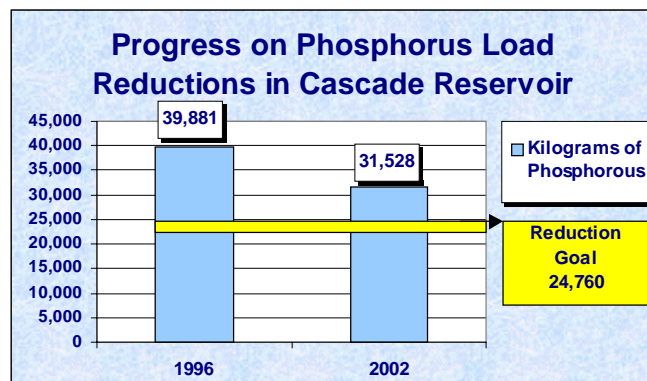
Stormwater Best Management Practices have been adopted by city ordinance in McCall and by resolution in Valley County.

### Other Nonpoint Source Implementation

The U.S. Bureau of Reclamation has begun shoreline erosion management and has constructed wetlands.

Idaho Parks and Recreation has improved roads and enhanced stormwater treatment facilities.

## GRAPH 12



## INEEL Remediation

### Pit 9 Progress

Under an agreement reached with the U.S. Department of Energy (DOE) in April 2002, DOE will demonstrate retrieval of waste from Pit 9 from an area known to contain plutonium-contaminated waste. This waste was buried in

the pit following shipment from the DOE Rocky Flats Plant. Construction of the facility is underway and retrieval operations are scheduled to begin no later than March 30, 2004.



DEQ will oversee the construction and operation of the Pit 9 retrieval project scheduled to be completed no later than October 31, 2004.

A metal deck is installed around the area of Pit 9 to be excavated. The deck will support the excavation equipment and the surrounding confinement structure. (Photo courtesy of U.S. Department of Energy)

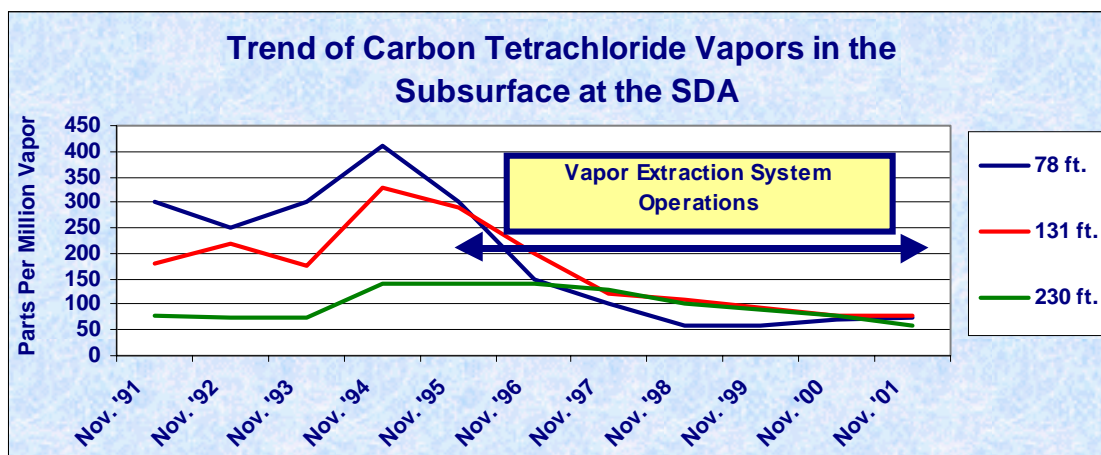


## Organic Vapor Extraction at the Subsurface Disposal Area (SDA)

Removal of organic chemical contamination from the SDA began in January 1996 under a Record of Decision that requires DOE to remove vapors that were released to the subsurface from buried waste. If left unabated these vapors would continue to migrate downward to the aquifer. Vapors are being

removed by vacuum extraction then treated (**Graph 13**). Based on progress to date, it is estimated that the vapor extraction will continue at least until 2018 to reduce concentration to levels that will not pose a risk to the aquifer.

**GRAPH 13**

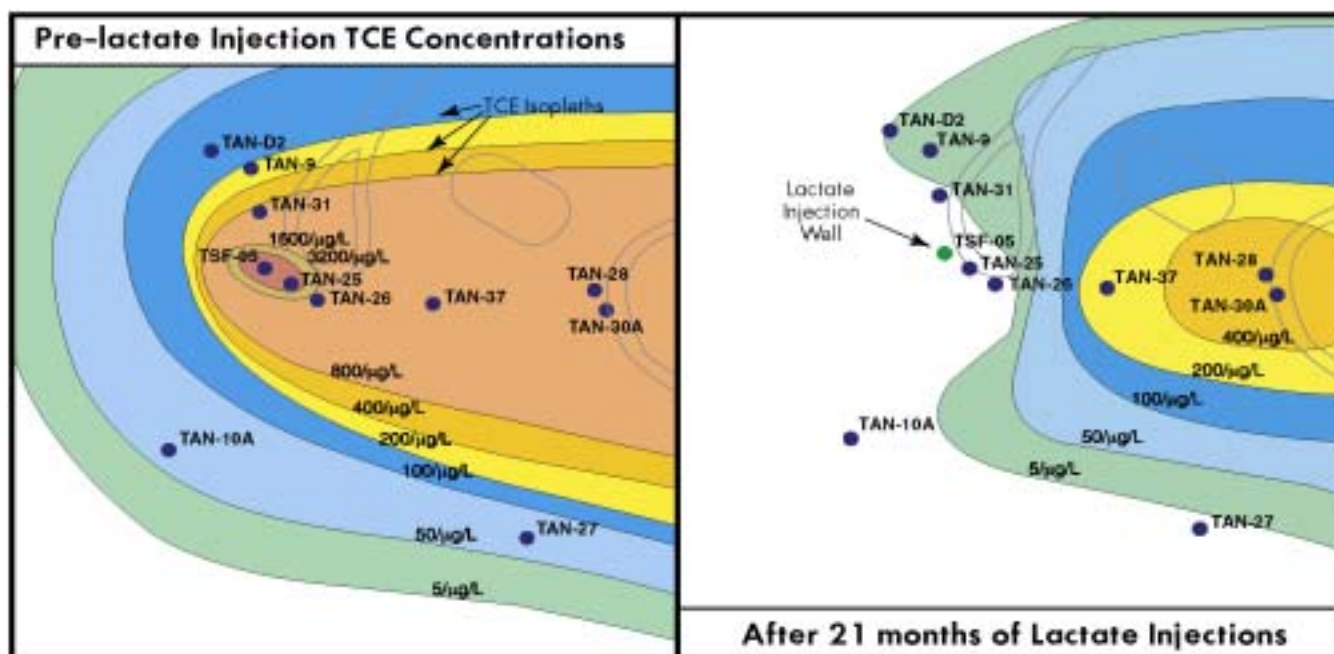


Shown in this graph is the trend of decreasing concentrations of the organic chemical carbon tetrachloride in extraction well 8801 at three different depths. Treatment began in 1996. These general trends in extraction well 8801 are indicative of general area trends for carbon tetrachloride vapors at the SDA.

## Test Area North Ground Water Cleanup

Ground water at Test Area North is contaminated with radionuclides and organic solvents such as TCE. Ground water is being restored using biological treatment in a highly contaminated area near the former injection well using sodium lactate. Sodium lactate is used to feed the microorganisms that are responsible for breakdown of the organic solvents into harmless products. This treatment process is expected to continue until

approximately 2018. The sodium lactate injections have resulted in a reduction of TCE concentrations near the former injection well (See illustration below.). In a larger contaminated area of the aquifer, ground water is being pumped and treated at a rate of 115 million gallons per year which will continue until the up-gradient portion of the plume has achieved drinking water standards.



## INEEL CERCLA Disposal Facility (ICDF)

This newly constructed landfill has a capacity of 510,000 cubic yards of contaminated material subject to cleanup under the INEEL Federal Facility Agreement and Consent Order. Landfill construction is scheduled for completion by December 2002, with operations scheduled to begin by May 2003.

Construction is underway on the disposal cell at the ICDF. A synthetic landfill liner and other safeguards will be installed to prevent the migration of contamination from the landfill. (Photo courtesy of U.S. Department of Energy.)

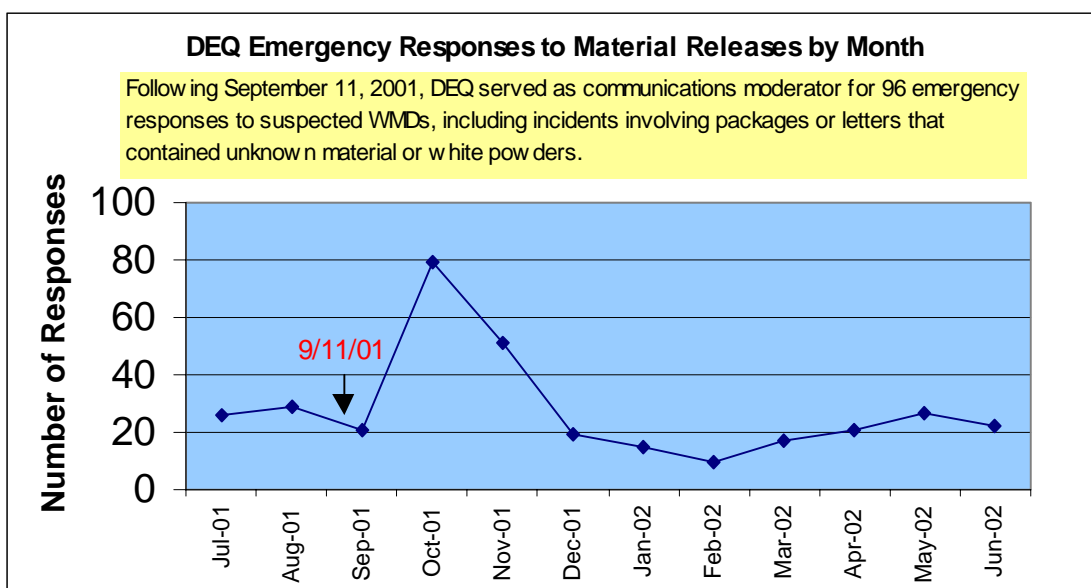


## Emergency Response

DEQ coordinates on-site, integrated (local-regional-state-federal) emergency response for hazardous materials spills, accidents, and releases throughout the state. Trained emergency response personnel take turns providing “on-call” around the clock coverage. Since September 11, 2001, the Hazardous

Materials Incident Command Response Program now coordinates responses to potential “Weapons of Mass Destruction” (WMD) incidents. Following September 11 and the anthrax scare, DEQ saw a dramatic increase in the number of emergency response incidents (**Graph 14**).

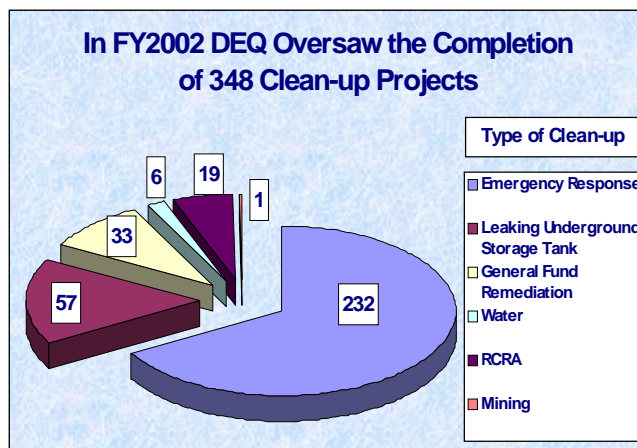
### GRAPH 14



## Remediation

In FY2002 DEQ oversaw the completion of 348 remediation projects (**Graph 15**), while 357 new remediation projects were added. Of the completed projects, 236 were due to spills in which DEQ was involved in the initial emergency response. A remedial project is considered complete once regulatory standards have been met or when risks to human health and the environment have been mitigated. Remedial projects are prioritized based on threat to public health and potential environmental harm.

### GRAPH 15



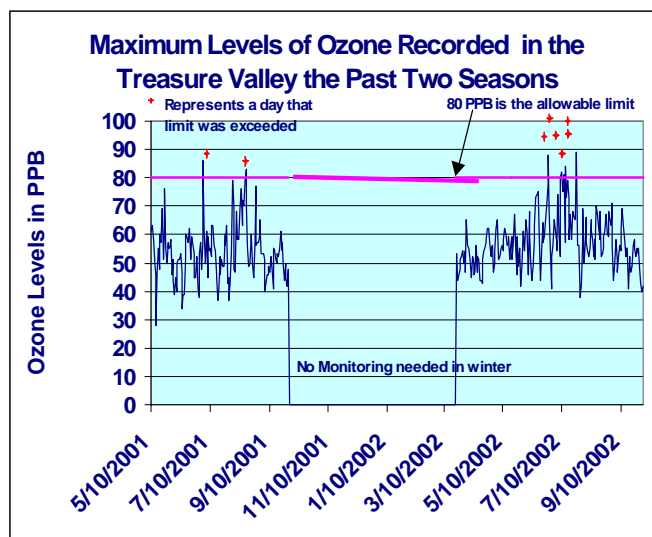
# Developing Issues

## Ozone in the Treasure Valley

Although ozone is an essential part of the upper atmosphere, ground-level ozone is a health hazard to humans. Ozone is formed from the chemical reaction that occurs between air, nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) at elevated temperatures. Contributors to NO<sub>x</sub> and VOC concentrations are vehicles, industrial activities, heavy equipment, and other combustion engines.

DEQ has tested ozone levels in the Treasure Valley for the past two years, and elevated levels were measured on several occasions (**Graph 16**). As a result, DEQ is taking the initial steps in developing an Ozone Management Plan for the Treasure Valley.

**GRAPH 16**



### How Smog is Formed

Many sources, including cars, industrial activities, and products used in homes, release smog-forming pollutants. Wind blows the pollutants away from their sources and, while the pollutants are being blown along, they undergo chemical reactions. Heat and sunlight increase the reaction rate. These reactions form ground-level ozone, the principal component of smog. Hours after the smog-forming pollutants are released from their sources; smog pollutes the air, often miles away from where the smog-forming pollutants were released.

## Security of Drinking Water Systems

Due to recent events in our nation, DEQ is working with public water systems (PWS) to ensure drinking water is secure from intentional contamination. To this end, DEQ has implemented the following measures:

- Contacted all 2086 PWS via a security issue of the *Idaho Drinking Water Newsletter* to advise systems of precautions that could be taken to protect customers.
- Developed an Emergency Response Planning Guide for PWS to help prepare for a security problem.
- Provided training for PWS operators and DEQ staff on responding to PWS security breaches.
- Worked with the state emergency communication center to use existing reporting and activation mechanisms in case of a PWS security breach. This will ensure a timely and sufficient response utilizing the existing system
- Funded PWS outreach and training to determine where upgrades for security measures are needed at PWS.
- Participated in the Governor's Bioterrorism Preparedness and Response Program Joint Advisory Committee.

## Agricultural Smoke Management Progress

DEQ has been working cooperatively with Idaho State Department of Agriculture (ISDA), EPA, the state of Washington and local Indian Tribes to develop an effective agricultural smoke management program (SMP). This past year (2001), DEQ, ISDA and the Nez Perce Tribe deployed a statewide agricultural SMP, excluding Kootenai and Benewah Counties, where a local SMP has been in place for over 20 years. The Coeur d'Alene Tribe cooperates in the Kootenai-Benewah County program.

Based on new ISDA Rules for Crop Residue Disposal, Idaho's agricultural SMP requires that anyone wishing to burn a field must get specific permission from ISDA before ignition. Burning must only occur when atmospheric conditions are conducive to good smoke dispersion that protects human health.

In the Clearwater Airshed during the 2001 season, DEQ obtained funding to support a Pilot Agricultural SMP; the Nez Perce Tribe also provided staff support. This pilot soon expanded to cover most of Idaho. The project provided high quality regional smoke weather forecasting, and temporary staff for the Clearwater Airshed, while ISDA staff covered the remainder of the state. Kootenai and Benewah Counties continued a local voluntary agricultural SMP that DEQ and the Coeur d'Alene Tribe supported with staff expertise.

The agricultural smoke management program in the Clearwater Airshed has generally succeeded in burning only during optimal conditions. However, field burning in Kootenai and Benewah Counties continued to create considerable public dissatisfaction. There are a variety of legal actions that further complicate the implementation of smoke



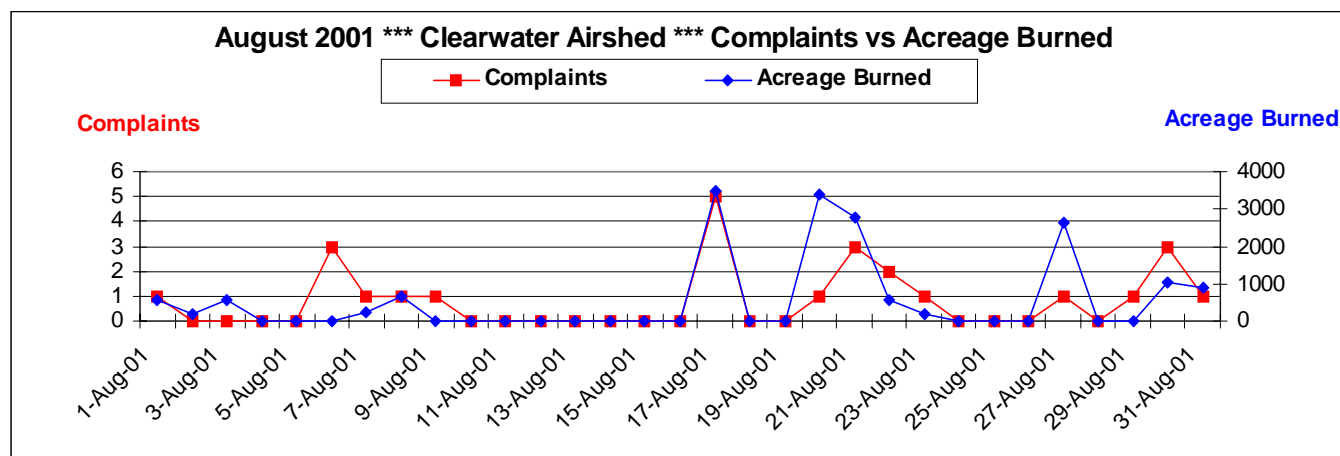
management programs in that area. Some of the legal actions involved the state; others were private litigation between the plaintiffs and specific growers.

The statewide program was expanded to cover Kootenai and Benewah Counties for the 2002 season. One of the changes in 2002 included the development of an advanced real-time agricultural smoke computer model to specifically forecast actual smoke plume

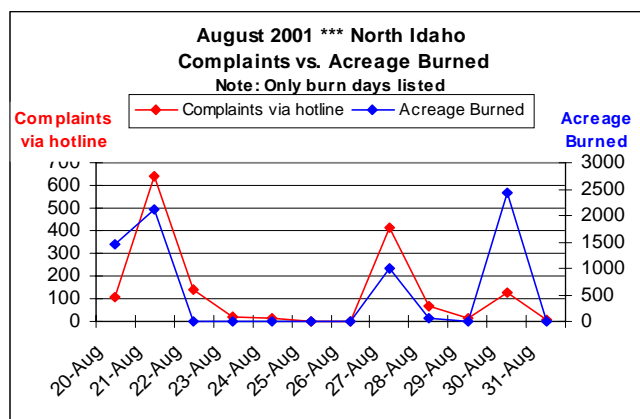
movements in Kootenai and Benewah Counties before any fields are authorized for burning. Those technological improvements were successfully implemented.

**Graph 17** and **Graph 18** illustrate the relationship between the level of activity, i.e. acres burned, and the response it can trigger in the form of complaints about the smoke. These graphs give some indication of the variables that exist in different parts of the state on the same issue.

**GRAPH 17**



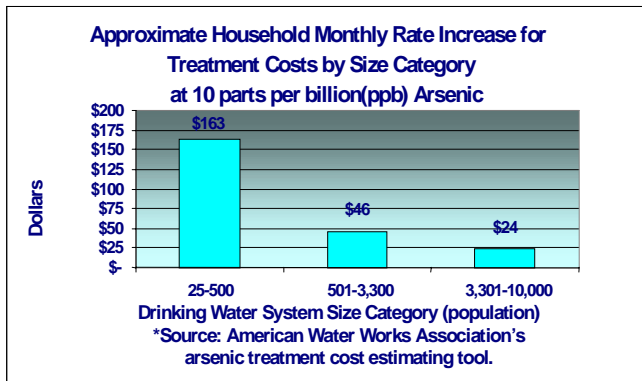
**GRAPH 18**



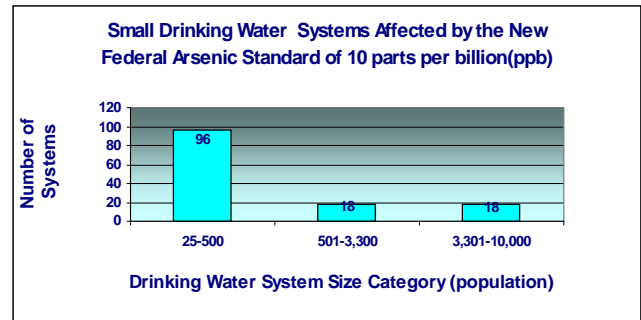
## Arsenic in Drinking Water

Last year the EPA announced a more stringent drinking water standard for arsenic. Community and non-community non-transient water systems will be required to meet the new standard of 10 parts per billion (ppb) in 2006. (The current 50 ppb standard will remain in effect until then). DEQ expects over 100 of the state's smaller community water systems to be impacted by the new rule (**Graph 19**).

**GRAPH 20**



**GRAPH 19**



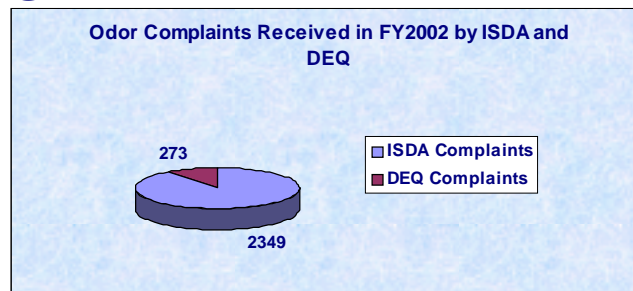
Since little data is available on non-community non-transient water systems a one-time opportunity is being provided through federal funds for these systems to sample for arsenic. Treating arsenic to meet new drinking water standards may be expensive (**Graph 20**), therefore, DEQ will provide on-going assistance to water systems.

Arsenic in ground water can come from natural or man-made sources. Because of the geology of the western states, there are higher numbers of natural deposits of arsenic in the west. DEQ is evaluating the causes for known high concentrations of arsenic in Idaho's ground water. Studies have linked certain types of cancers such as skin and bladder cancer to long term exposure of arsenic in drinking water.

## Odor Management

In recent years, DEQ has received a record number of odor complaints. This increase is likely a result of population growth, shifts in industrial activities and increased public awareness and expectations. Our responsibility to public health has focused our efforts on addressing potential health hazards associated with elevated levels of contaminants that cause odors. The quality of life issues are questions that government at all levels has been grappling with. In 2001 the Idaho State Department of Agriculture (ISDA) was provided the authority by statute to regulate agricultural odors determined to be

### GRAPH 21



excessive. The ISDA opened a hotline due to the high number of agricultural odor complaints being received. DEQ and ISDA have been working closely to solve odor issues in Idaho.

#### Complaints Received in FY2002 by ISDA and DEQ

ISDA received 2,349 odor complaints in FY2002

DEQ received 273 odor complaints in FY2002

#### Sources of Odor Complaints

- Composting
- Land applying vegetable waste
- Land applying septage
- Lagoons used in various processes
- Livestock
- Land applying meatpacking waste
- Processing – sugar, phosphates, paper
- Mink farming
- Dairies
- Feedlots
- Painting / varnishing
- Wastewater treatment

## Nitrates in Finished Drinking Water Sources

If monitoring shows the nitrate level of a drinking water source to be above 5 mg/l, more frequent monitoring is required to track the elevated nitrate level. In 2001, 155 sources had nitrate levels above 5 mg/l (See **Graph 22** on the following page.).

The maximum contaminant level (MCL) for nitrate in drinking water is 10 mg/l. Sources exceeding the standard will need to be treated or abandoned. In 2001, 15 drinking

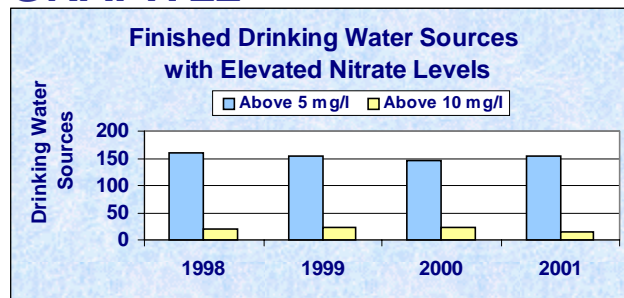
water sources in Idaho exceeded the health based standard, eight less than the previous year.

Data suggest there is considerable variation in which finished sources of water have high nitrate from one year to the next. This is because high nitrate problems are typically resolved by treatment of unfinished water or by abandoning a source and switching to a suitable source of water. While treatment or

changing water sources makes the water safer to drink, it does not solve the underlying problem of aquifer contamination by nitrates.

Nitrate contamination is probably a greater problem for private wells than for public drinking water sources. Most private wells are not sampled for nitrate contamination. The area around the well is typically given less protection, and wells are often located at a minimum distance from subsurface sewage disposal.

**GRAPH 22**



# Financial

## Financial Summary

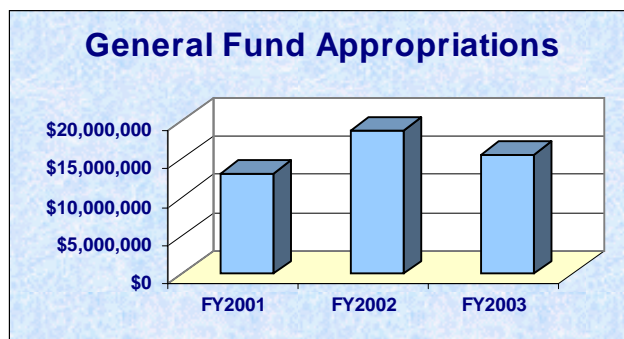
Since the onset of the economic downturn, DEQ has responded to the Governor's spending reductions on three separate occasions. The first 3% holdback resulted in an internal hiring freeze, reduced travel and training, and a first round of projects was put on hold.

The second decrease required a reduction of \$1.3 million in DEQ's general fund base appropriation. A second round of projects is delayed, including remediation projects, infrastructure improvements, and management plans for both air and water quality. The Above Ground Storage Tank Program was eliminated. Participation in workshops, inspections, technical assistance and emergency response activities have also been reduced.

The third round of reductions required an additional 3.5% holdback after the initial reduction to the general fund base appropriation. Personnel, operating, and Trustee / Benefits contracts were further reduced by eliminating printing of reports,

further reducing travel and delaying database development. Air and water monitoring has been reduced and the associated laboratory costs were eliminated. The prioritization process already conducted by DEQ in our strategic planning process allowed for smooth decision-making as priority activities have been identified.

**GRAPH 23**



# Investments

## National Pollutant Discharge Elimination System (NPDES) Program

Over the past two years, DEQ has been working with a Steering Committee comprised of affected industries, municipalities, and federal agencies to evaluate seeking state primacy for the NPDES Program. The majority of groups on the Steering Committee endorsed DEQ to continue to seek primacy. Legislation will be necessary to allow the state to seek the NPDES program from EPA. The changes include: a penalty structure consistent with the requirements of the Clean Water Act; providing the state the necessary rule making authority including the ability to promulgate fees; and allowing for other minor changes necessary to make state law consistent with federal requirements.

Benefits of a state-run NPDES Program identified by Steering Committee members include: a better focus on local considerations and solutions as well as local service delivery; permits that are more closely oriented towards Idaho water quality standards; providing for flexible, innovative and cost effective methods to address future water quality issues; the ability to integrate the TMDL program and the state loan and grant programs with the permitting program; and a streamlined Endangered Species Act (ESA) process with no permit-by-permit consultation.





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